

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-04 INR-07 L-03 ACDA-07
NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00
IO-13 DODE-00 H-01 NSC-05 /078 W
-----100267 271702Z /46

O R 271633Z JUN 77
FM AMEMBASSY BONN
TO USMISSION USBERLIN IMMEDIATE
INFO SECSTATE WASHDC 9362
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO
AMEMBASSY BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 10675

USEEC

E.O. 11652: GDS
TAGS: PGOV EEC WB GW US UK FR
SUBJECT: BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN
PARLIAMENT

REFS: (A) BONN 10645; (B) BONN 8608

BEGIN SUMMARY. LACKING BACKGROUND ON THE DECISION OF
THE BERLIN MISSIONS, AS REFLECTED IN BK (77) 13, TO
POSTPONE APPROVAL OF THE EXTENSION TO BERLIN OF THE
COUNCIL ACT ON DIRECT ELECTIONS, THE EMBASSY IS UNABLE
TO ANSWER FRG INQUIRIES ON THIS SCORE. ACTION
REQUESTED: URGENT COMMENTS FROM USBER FOR OUR BACKGROUND
USE, IN THE EVENT THE FRG REQUESTS CONSIDERATION
OF THE ISSUE IN THE BONN GROUP. END SUMMARY.

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1. THE FOREIGN OFFICE HAS ADVISED US INFORMALLY THAT THE
FRG MAY NEED TO RAISE URGENTLY IN THE BONN GROUP THE
QUESTION OF EXTENSION TO BERLIN OF THE EC COUNCIL ACT
ON DIRECT ELECTIONS. AS REPORTED REF (A), THE FRG,
HAVING OBTAINED THE NECESSARY LEGISLATION, NOW HOPES TO
MOVE AHEAD PROMPTLY IN NOTIFYING THE COUNCIL OF FRG
RATIFICATION. IT MAY FEEL COMPELLED TO DELAY, HOWEVER,

FOR CLARIFICATION OF THE STATUS OF EXTENSION OF THE ACT
TO BERLIN.

2. DUISBERG OF THE FONOFF LEGAL DEPARTMENT CALLED THE ATTENTION OF THE US BONN GROUP REP TO A RECENT BK/L ISSUED BY THE ALLIED KOMMANDATURA WHICH STATED THAT THE AK WOULD NOT APPROVE EXTENSION OF THE COUNCIL ACT TO BERLIN UNTIL ALL THREE PIECES OF FEDERAL LEGISLATION HAD BEEN ENACTED. HE THOUGHT THE FRG MIGHT CONSIDER IT NECESSARY TO ASK WHETHER THIS AK DECISION MIGHT BE RECONSIDERED, IN VIEW OF THE URGENCY WHICH THE FRG ATTACHED TO COMPLETING THE RATIFICATION PROCEDURES. US REP STATED THAT HE HAD NOT HEARD OF THE BK/L BUT UNDERTOOK TO LOOK INTO THE RATIONALE BEHIND IT, TO PREPARE FOR A POSSIBLY EARLY BONN GROUP DISCUSSION.

3. ON CHECKING, WE HAVE FOUND BK/L(77)13 DATED 18 MAY 77 WHICH REACHED THE EMBASSY ROUTINELY. THE BK/L REFERS TO THE SUBMISSION TO THE AK BY THE SENAT OF THE DECISION AND ACT BY THE EC COUNCIL ON DIRECT ELECTIONS, WITH A VIEW TO ITS EXTENSION TO BERLIN; NOTES THAT THE DECISION AND ACT ARE THE SUBJECT OF A DRAFT FEDERAL RATIFICATION LAW WHICH HAS BEEN PUBLISHED TOGETHER WITH DRAFT FEDERAL LAWS ON ELECTIONS AND ON THE LEGAL STATUS OF MEMBERS OF THE EUROPEAN PARLIAMENT;
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AND EXPRESSES THE VIEW OF THE AK THAT CONSIDERATION OF THE EXTENSION OF THE DECISION AND ACT "SHOULD BE POSTPONED UNTIL ALL THREE FEDERAL LAWS HAVE BEEN ENACTED."

4. IN ANTICIPATION OF POSSIBLE BONN GROUP DISCUSSIONS, THE EMBASSY WOULD APPRECIATE BACKGROUND ON THE RATIONALE FOR THE AK DECISION TO DEFER ACTION ON THE EXTENSION OF THE COUNCIL ACT TO BERLIN. IN VIEW OF THE EXTENSIVE DISCUSSIONS IN THE BONN GROUP AND AT HIGH LEVELS OVER THE PAST TWO YEARS

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 10675

CONCERNING THE EXTENSION OF THIS ACT TO BERLIN, WE CAN
UNDERSTAND THAT THE AK DECISION TO DELAY ITS APPROVAL
MAY HAVE GIVEN THE FEDERAL GOVERNMENT PAUSE FOR
THOUGHT. IT WOULD NOT FEEL ABLE TO COMPLETE THE
RATIFICATION PROCEDURES IF IT THOUGHT THERE WAS ANY
DOUBT ABOUT APPLICABILITY TO BERLIN.

5. WE ASSUME THAT THE AK DECISION WAS BASED IN PART
ON THE FACT THAT, WHEN THE BK/L WAS ISSUED, THE FRG
ITSELF WAS STILL EXPECTING THAT ALL THREE PIECES OF
LEGISLATION WOULD MOVE THROUGH THE PARLIAMENT AS A
PACKAGE (REF B). NOW THAT THE FEDERAL GOVERNMENT
HAS DECIDED TO SPLIT UP THE PACKAGE IN ORDER TO OBTAIN
EARLY RATIFICATION OF THE COUNCIL ACT, WITHOUT WAITING
FOR A RESOLUTION OF THE DEBATE OVER HOW THE ELECTIONS
ARE TO BE CARRIED OUT IN THE FRG, THIS MIGHT PROVIDE
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A BASIS FOR RECONSIDERATION OF THE BK/L.

6. OUR PRESENT VIEW IS THAT IT SHOULD BE POSSIBLE,
PARTICULARLY NOW THAT THE RATIFICATION LAW HAS BEEN
PASSED, TO GIVE PROMPT AGREEMENT TO EXTENSION OF THE

COUNCIL ACT TO BERLIN. THE FRG DECLARATION ATTACHED
TO THE COUNCIL ACT CONTAINS THE SPECIAL PROVISIONS
CONCERNING SELECTION OF REPRESENTATIVES FROM BERLIN
WHICH WERE CAREFULLY WORKED OUT IN THE BONN GROUP
AND APPROVED BY CAPITALS, AND WE ARE AWARE OF NO NEED
TO DELAY EXTENSION OF THE ACT ITSELF. IT COULD,
OF COURSE, BE NECESSARY TO EXPRESS ADDITIONAL ALLIED
RESERVATIONS IN CONNECTION WITH THE TAKEOVER IN
BERLIN OF THE ELECTION LAW NEXT FALL, BUT THAT
WOULD NOT SEEM TO NECESSITATE DELAY WITH REGARD TO THE
ACT ITSELF. BEFORE EXPRESSING THESE VIEWS IN THE BONN
GROUP, HOWEVER, WE WOULD APPRECIATE USBER'S COMMENTS
AS TO WHETHER THERE ARE OTHER FACTORS WE MAY HAVE OVER-
LOOKED WHICH WENT INTO THE AK DECISION REFLECTED IN
BK/L (77) 13.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTIONS, LEGISLATIVE BILLS, REGIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 27-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BONN10675
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770229-0176
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770615/aaaaanby.tel
Line Count: 186
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0dba7e76-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 BONN 10645, 77 BONN 8608
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2024516
Secure: OPEN
Status: NATIVE
Subject: BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT
TAGS: PGOV, WB, GE, US, UK, FR, EEC
To: USBERLIN USEEC
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/0dba7e76-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009